

MINUTES OF THE  
JOINT HEALTH AND HUMAN SERVICES APPROPRIATION SUBCOMMITTEE  
Wednesday, February 14, 2001, 4:00 p.m.  
Room 403, State Capitol Building

Members Present: Sen. David H. Steele, Committee Co-Chair  
Rep. Jack A. Seitz, Committee Co-Chair  
Sen. Edgar Allen  
Sen. Curtis S. Bramble  
Rep. Trisha Beck  
Rep. David L. Hogue  
Rep. David Litvack  
Rep. Rebecca Lockhart  
Rep. Carl S. Saunders  
Rep. Matt Throckmorton

Members Excused: Sen. L. Steven Poulton

Staff Present: Thor Nilsen, Legislative Fiscal Analyst  
Spencer C. Pratt Legislative Fiscal Analyst  
Norda Shepard, Secretary

Public Speakers Present: Robin Arnold-Williams, Executive Director, Department of Human Services  
Rod Betit, Executive Director, Department of Health  
Richard Melton, Deputy Director, Department of Health  
Monica Maio, Education Director, Rape Recovery Center  
George Delavan, Director, Division of Family Health Services  
Sue Geary, Director, Division of Services for People with Disabilities

Visitor List on File

Committee Co-Chair Steele called the meeting to order at 4:17 p.m.

**1. Approval of Minutes**

Sen. Allen moved to approve the minutes of 2-09-01 and 2-12-01. The motion passed unanimously with Rep. Litvack, Rep. Lockhart, and Rep. Throckmorton absent at the time of voting.

**2. Prioritization List and Review**

Co-Chair Steele thanked all for coming at this later time and stated that actions would be taken today that will impact many people. He stated that since the Legislature cannot meet every need, they are in the process of trying to determine what is most needed. He said that even though the committee members do not deal with these issues on a daily basis, he felt the members have been extraordinary in their commitment to try to find out as much information as possible to make informed decisions. He stated the Co-Chairs recognized this commitment from committee members. He also recognized the Analysts who spend the year compiling information and making recommendations. He stated they are a great resource for the committee. He also recognized the help received from the analysts from the Governor's office and the department and division heads.

A list containing the priority choices of committee members was distributed with the mandatory items listed one through thirteen and General Fund increase requests one through forty. Co-Chair Steele read a letter the chairs had received from the Executive Appropriations which stated they appreciated the work of the committee and

that they were not prepared to allocate, and did not anticipate, additional funding beyond what has already been allocated. He distributed and read a memorandum that the subcommittee Chairs were sending in response, noting the serious discrepancies between the current allocation and the recommended level of support by our own Fiscal Analyst Office.

### **3. Finalization of Budgets**

**MOTION:** Rep. Hogue moved to approve \$1,600,000 from the Nursing Facilities Restricted Accounts, Fund 156, to Division of Services for People with disabilities to fund services for people on the waiting list.

Rep. Hogue stated that in Fund 156, Nursing Facilities, there is a total balance of \$2, 903,481. He explained that Sen. Knudson has sponsored a bill, S.B. 58, which directs that \$1,300,000 fund the Area Health Education Center and lets the remaining balance, which is \$1.6 million, lapse to the General Fund. Rep. Hogue suggested that the \$1.6 million should stay in the Division for the waiting list. Robin Arnold-Williams, Executive Director, Department of Human Services, stated that this is one time money and next year a request would come for replacement funds. It would be a year to year decision.

Sen. Allen requested that the motion be split, one part to take the funds and the second part the disposition of those funds.

The Co-Chair determined that the motion could be split.

**MOTION:** Rep. Hogue moved to approve \$1,600,000 non-lapsing funds from the Nursing Facilities Restricted Account, Fund 156, The motion passed with Rep. Saunders voting in opposition..

**MOTION:** Rep. Hogue moved to amend the previous motion, adding “as a nonlapsing FY 2001 Supplemental,” and moved to set aside the \$1,600,000 for committee consideration. The motion passed unanimously.

**MOTION:** Rep. Hogue moved to fund \$570,000 for the DCFS, Milestone Implementation (one-time FY2002) with TANF Funds. The motion passed unanimously.

**MOTION:** Rep. Hogue moved to consider \$60,000 from Laboratory Drug Testing to put on the table for committee consideration.

Richard Melton, Deputy Director, Department of Health, explained that the \$60,000 would come from a \$93,000 balance that has accumulated over a period of two years. The projected amount in the current budget will stop accumulating money, but there is a \$93,000 balance which will likely carry over. He stated that if the \$60,000 were used, it would be one-time funds, and it is restricted to use in the laboratory for drug testing.

The motion passed with Rep. Saunders voting in opposition.

**MOTION:** Rep. Hogue moved to set aside 10% of the travel budgets in the Department of Health and Department of Human Services, which would come to \$278,000.

Rod Bedit, Executive Director, Department of Health, responded that further travel fund cuts would be very problematic to the Health Department. Travel is necessary for training and providing services throughout the state. Services and training would be curtailed by funding cuts. Ms. Arnold-Williams stated that 81% of the travel budget in the Department of Human Services is for instate travel for caseworkers. She explained that the caseworkers travel extensively within the state in doing their jobs. She stated that another 10% cut, after the cuts from last year, would greatly impact the workers’ ability to do their jobs. Analyst Spencer Pratt pointed out

that not all health travel is General Funds.

After further discussion, Rep. Hogue withdrew the motion.

Sen. Steele explained that the Co-Chairs had taken the committee's recommendations, met with the Analysts and the agency directors and compiled the list to take to the Executive Appropriations Committee. There has also been some additional money added through motions to date. He stated he would propose the committee accept this list for the ongoing funds. He asked for further recommendations for one-time funds.

**MOTION:** Rep. Beck moved to use \$70,000 for Sexual Violence Prevention and Community Awareness.

Sen. Bramble asked for a definition of sexual violence. Monica Maio, Education Director, Rape Recovery Center, stated that any type of unwanted sexual contact would meet the definition. She indicated they were trying to educate the public and increase community awareness in order to prevent sexual violence.

Rep. Litvack stated that he has been in many workshops with students and has seen the impact sexual violence has on their lives. He spoke in favor of this program, even though \$70,000 would just be a portion of the funding requested.

After committee discussion, the motion passed with Sen. Steele, Rep. Seitz, Sen. Allen, Rep. Beck, Rep. Hogue and Rep. Litvack voting in favor; and Sen. Bramble, Rep. Lockhart, Rep. Saunders and Rep. Throckmorton voting in opposition.

**MOTION:** Rep. Hogue moved that \$117,500 for Medicaid Breast/ Cervical Cancer Funding be moved from the ongoing funding column to the one-time funding column.

**SUBSTITUTE-MOTION:** Rep. Throckmorton moved to also move \$300,000 from Aging and Adult Services, Meals, from ongoing to one-time, in addition to the \$117,500 for Medicaid Breast/Cervical Cancer Funding.

The substitute-motion passed with Rep. Seitz and Rep. Saunders voting in opposition.

**MOTION:** Rep. Saunders moved to place \$500,000 in the Department of Health for Tobacco funding.

Co-Chair Steele cautioned that shifting funds from the right column ongoing to the left column one-time will not solve funding problems. He said it is a good intention and it will get through the year, but the next year, a program will come up for funding and if there is no ongoing money, the program will have to be cut. Rep. Saunders asked for a response from the Department on how this money might be used. Mr. Betit explained that tobacco programs are not run in a vacuum. There is a Tobacco Advisory Council that makes recommendations to the Department on how best to use these funds. George Delavan, Director, Division of Family Health Services, stated some of the programs the Council might suggest, if the funding is one-time, would be to enhance the media campaign or community prevention programs.

After committee discussion, the motion failed with Rep. Seitz, Rep. Litvack, Rep. Saunders and Rep. Throckmorton voting in favor; and Sen. Steele, Sen. Allen, Sen. Bramble, Rep. Beck, Rep. Hogue, and Rep. Lockhart voting in opposition.

**MOTION:** Rep. Throckmorton moved to approve the Analyst's recommendation for the Department of Health and the Department of Human Services and to accept the Co-Chairs recommended list to take to the Executive Appropriations Subcommittee.

**SUBSTITUTE-MOTION:** Rep. Seitz moved to consider the following for one-time funding for Department of Human Services, Division of Children and Family Services, Adoption Assistance, \$944,600; Department of Health, Youth Suicide Prevention, \$100,000; Department of Health, Laboratory Equipment, \$340,000; Department of Health Medical Examiner, \$100,000; and Division of Human Services, Mental Health (State Hospital): Seclusion & Restraint, \$200,500. The substitute-motion passed unanimously.

**MOTION:** Rep. Throckmorton moved to take the remaining \$82,500 one-time funds to the Executive Appropriations Committee for negotiation on the highest priority ongoing. The motion passed unanimously.

**MOTION:** Sen. Bramble moved that the committee request a Legislative Audit of the Division of People with Disabilities in the Department of Human Services in terms of performances and funding, the audit to include a look at how the funding is prioritized, are we getting the funding to the people who need it the most, what is happening in terms of critical needs and how are those critical needs are being met. The motion passed unanimously.

**MOTION:** Rep. Throckmorton moved to eliminate \$50,400 from the Pregnancy Risk Assessment Monitoring Program and place it on Law Enforcement Toxicology Testing. The motion failed with Rep. Lockhart and Rep. Throckmorton voting in favor.

**MOTION:** Rep. Seitz moved to approve the following items in the Department of Human Services:

1. The budget for the Department of Human Services for FY 2002 in the amount of \$438,062,600 with \$199,526,200 from the General Fund, \$106,698,100 from Federal Funds and other funding as listed on page 4, Tab 21, Human Services Summary. These amounts reflect the subcommittees vote to not replace \$1.5 million of TANF transfers with State General Funds for FY2002. This motion includes funding, which the Analyst has recommended, for programs listed in that same table. The individual programs and line item budgets are found behind Tabs 23-30.
2. The budget for the Department of Human Services Internal Service Funds for FY2002 in the amount of \$4,177,900 from Dedicated Credits - Intragovernmental Revenues, as shown on page 3 of the Analyst's report under Tab 31. This recommendation includes 36 authorized FTEs and no authorized capital expenditures.
3. The Analyst's recommended supplemental budget reduction of \$325,100 for the Department's FY2001 budget, including a reduction of \$31,900 from the General Fund and other funds as shown on page 3 of the Analyst's Supplemental Funding report under Tab 6. This recommendation includes division line item budget adjustments as shown on the same page.
4. The recommended non-lapsing authorizations for the Department of Human Services for FY2001 listed in items 2.5 through 2.9 on pages 4 and 5 of the Analyst's Supplemental Funding report.

*Under terms of UCA 63-38-8.1, the Analyst recommends the funds appropriated in 2000 for FY 2001 to the Executive Director Operations (Item 130, Chapter 344, Laws of Utah 2000) not lapse back to the General Fund. Expenditures of these funds is limited to the following: Computer Equipment / Software - \$30,000 and Special Projects: Web Development - \$70,000.*

*Under terms of UCA 63-38-81.1, the Analyst recommends the funds appropriated in 2000 for FY 2001 to the Division of Mental Health (Item 131, Chapter 344, Laws of Utah 2000) not lapse back to the General Fund. Expenditures of these funds is limited to the following: Equipment / Supplies - \$25,000.*

*Under terms of UCA 63-38-8.1, the Analyst recommend the funds appropriated in 2000 for FY2001 to the Division of Substance Abuse (Item 132, Chapter 344, Laws of Utah 3000) not lapse back to the General Fund.*

*Expenditures of these funds is limited to the following: Computer Equipment / Software.*

*Under terms of UCA 63-38-8.1, the Analyst recommends the funds appropriated in 2000 for FY 2001 to the Division of Services for People with Disabilities (Item 133, Chapter 344, Laws of Utah 2000) not lapse back to the General Fund. Expenditures of these funds is limited to the following: Computer Equipment / Software - \$25,000 and Equipment / Supplies - \$25,000.*

*Under terms of UCA 63-38-8.1, the Analyst recommends the funds appropriated in 2000 for FY 2001 to the Division of Child and Family Services (Item 135 Chapter 344, Laws of Utah 2000) not lapse back to the General Fund. Expenditures of these funds is limited to the following: Computer Equipment / Software - \$50,000.*

5. The following items of Legislative Intent Language for the Department of Human Services:

*It is the intent of the Legislature that the Department of Human Services present to the Office of Legislative Fiscal Analyst detailed outcome measures for each budget area in each division with the Department. These outcome measures shall be, wherever possible, reported in terms of outcomes achieved with the population served in addition to the report of total numbers served. The report shall include those who are statistically eligible but did not need or accept state-funded services. The Office of Legislative Fiscal Analyst shall include the department's report including outcome measures within their budget presentation on an item-by-item basis.*

*It is the intent of the Legislature that in renewing contracts with private providers the Division of Services for People with Disabilities shall consider prevailing labor market conditions.*

*It is the intent of the Legislature that rent collected from individuals who occupy state owned group homes be applied to the cost of maintaining these facilities. It is also the intent of the Legislature that the Division of Services for People with Disabilities provide an accounting of state owned group homes rents and costs to the Legislature or the Legislative Fiscal Analyst.*

*It is the intent of the Legislature that the Division of Services for People with Disabilities seek to maximize its ability to serve individuals on the waiting list through reviewing existing policies, budgets, and service allocations and pursuing any appropriate additional federal waivers or funding or other creative mechanisms. It is further the intent that the Division report to the 2002 Health and Human Services Appropriations Subcommittee on its progress and that the subcommittee consider options to reward the Division employees based on the progress made and in accordance with DHRM rules.*

*It is the intent of the Legislature that funds appropriated for the home and community based services waiting list for people with disabilities be used exclusively for direct services and related support. It is further the intent of the Legislature that the Division report to the Office of Legislative Fiscal Analyst by December 2001, on the number of individuals served and services provided.*

The motion passed unanimously.

**MOTION:** Rep. Seitz moved to approve the following proposed Intent Language in the Department of Human Services.

*It is the intent of the legislature that funding for the Division of Services for People with Disabilities be non-lapsing for FY2001.*

The motion passed unanimously.

**MOTION:** Rep. Seitz moved to approve the following proposed Intent Language in the Department of Human Services.

*It is the intent of the Legislature that federal match rate changes for the local authority mental health and substance abuse programs be budgeted as ongoing adjustments in the Department of Human Services proposed budget.*

The motion passed unanimously.

**MOTION:** Rep. Seitz moved to approve the following proposed Intent Language in the Department of Human Services:

*If H.B. 350 passes, all savings from health insurance premiums shall go to provide client services.*

The motion passed unanimously.

**MOTION:** Rep. Seitz moved to approve the following items for the Department of Health:

1. To adopt the budget for the Department of Health and Medical Education Program for FY2002 in the amount of \$1,046,062,700 with \$199,017,500 from the General Fund, \$696,965,300 from Federal Funds and other funding as listed on page 4 of Tab 5 Health Summary. This includes funding which the Analyst has recommended, for the programs listed in that same table, with the exception of \$240,000 increase in the Division of Health Care Financing. The individual program and line item budgets are found behind Tabs 6-19 and are to be approved at the Analyst's recommended levels, with the above noted exception in the Division of Health Care Financing.
2. To adopt the Analyst's recommended supplemental budget adjustments for the Department of Health for FY2001 in the amount of \$1,350,500 with (\$18,700) from the General Fund and other funding as listed on page 3 of Tab 6, to be distributed to the divisions listed on that same page.
3. To approve nonlapsing authorization for the Division of Health Systems Improvement (Item 2.2) and the Division of Epidemiology and Laboratory Services (Item 2.3), and the Department adjustments (Item 2.8) for FY2001.
4. To approve the following items of Intent Language for the Department of Health for FY2002:

*It is the intent of the Legislature that the Department of Health present to the Office of the Legislative Fiscal Analyst's, with its annual budget submission, detailed outcome measures for each budget area in each division within the department. These outcome measures shall be, whenever possible, reported in terms of outcomes achieved with the population served in addition to the report of total numbers served. The report shall include those who are statistically eligible, but did not need or accept state funded services. The Office of the Legislative Fiscal Analyst shall include the department's report including outcome measures with the Department's budget presentation on an item by item basis.*

*It is the intent of the Legislature that the fees collected for the purpose of plan reviews by the Bureau of Licensing be considered nonlapsing.*

*It is the intent of the Legislature that funds for the Primary Care Grant Program be considered nonlapsing.*

*It is the intent of the Legislature that the Primary Care Grant Program be funded with ongoing funds in FY2003.*

*It is the intent of the Legislature that the Division of Epidemiology and Laboratory Services may receive donated laboratory equipment and shall use such donated equipment for the purpose of promoting and protecting the public health.*

*It is the intent of the Legislature that there be a \$10.00 suggested donation for children's services in the Early Intervention Program. This donation may be paid by the person responsible for the child receiving the services to help defray the costs associated with those services.*

*It is the intent of the Legislature that the Department of Health will review with the Executive Appropriations Committee any medicaid program reductions or additions.*

*It is the intent of the Legislature that supplemental funds appropriated for the Medical Examiner be considered nonlapsing.*

*It is the intent of the Legislature that supplemental funds appropriated for the purchase of laboratory equipment be considered nonlapsing.*

*It is the intent of the Legislature that funds appropriated from the Tobacco Settlement Restricted Account be considered nonlapsing.*

*It is the intent of the Legislature that supplemental funds for Youth Suicide Prevention be considered nonlapsing.*

*It is the intent of the Legislature that all Pharmacy rebate monies received by the Medical Assistance Program be used to fund the Medical Assistance Program and the Utah Medical Assistance Program, and be considered nonlapsing.*

It was suggested that the original motion be split and each item be voted on separately. All voting was unanimous.

**MOTION:** Rep. Seitz moved to approve the following fees for the Department of Health for FY 2002:

Executive Director's Office, Tab 6, pages 20-22; Veterans' Nursing Home, Tab 7, page 8; Health Systems Improvement, Tab 8, pages 20-27; Epidemiology and Laboratory Services, Tab 12, pages 23-30' and Community and Family Health Services, Tab 13, pages 36-39.

The motion passed unanimously.

**MOTION:** Rep. Hogue moved to approve the following proposed Intent Language in the Department of Health:

*It is the intent of the Legislature that the Office of Medical Examiner shall charge scheduled fees at a rate above cost or market whichever is greater, except no fees will be charged for State criminal cases.*

The motion passed unanimously.

**MOTION:** Sen. Bramble moved to approve the following proposed Intent Language in the Department of Human Services:

*It is the intent of the Legislature that the Division of Services for People with Disabilities place limitations on the use of the one-time mini-grants to individuals and families on the waiting list. Such limitations shall restrict use of the funds to meet the most critical immediate one-time needs of those on the waiting list. It is further the*

*intent of the Legislature that the final approval of each request shall be done exclusively by the Division after a review to assure that each request meets the requirements of legislative intent. The Division shall provide a detailed report to the Health and Human Services Appropriations Subcommittee regarding all grants awarded.*

Sue Geary, Director, Division of Services for People With Disabilities, stated the Division was comfortable with the motion. She stated the Division is committed to make sure those grants are within the parameters that they had entertained at the onset.

The motion passed unanimously.

**MOTION:** Rep. Throckmorton moved to approve the following proposed Intent Language in the Department of Human Services:

*It is the intent of the Legislature that the Department of Human Services use existing personnel statutes and rules to the maximum allowed within appropriated budgets to reward employees suggesting cost savings and efficiency measures implemented in the Department. The amount of cost savings incentive award shall equal 10% of the amount of savings realized, up to a maximum of \$5,000.*

The motion passed unanimously.

**MOTION:** Rep. Seitz moved to clarify that the Intent Language for nonlapsing authorization for Division of Services for People with Disabilities is for FY2001. The motion passed unanimously.

**MOTION:** Rep. Hogue moved to approve the following proposed Intent Language for the Department of Human Services and the Department of Health:

*It is the intent of the Legislature that if the State prevails in the Veterans' Nursing Home lawsuit, two-thirds of those funds be retained for use for the People with Disabilities Critical Needs Waiting List.*

The motion passed unanimously.

**MOTION:** Rep. Hogue moved to approve the following proposed Intent Language in the Department of Health:

*It is the intent of the Legislature that funding provided for Primary Care Health Grants not be expended for inter-departmental projects.*

The motion passed unanimously.

**MOTION:** Rep. Hogue moved to approve the following proposed Intent Language in the Department of Health and the Department of Human Services:

*It is the intent of the Legislature that fees charged by the Department of Health and Department of Human Services be designed to compensate for cost of services provided.*

The motion passed unanimously.

Speaking for the Co-Chairs, Sen. Steele thanked the committee and the staff for their support and stated they would go to the Executive Appropriations Committee and do their best to have their recommendations funded. Sen. Allen complemented the committee chairs for their excellent leadership during the session.



**MOTION:** Rep. Throckmorton moved to adjourn. The motion passed unanimously.

Co-Chair adjourned the meeting at 6:35 p.m.

Minutes reported by Norda Shepard, Secretary.

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Sen. David H. Steele  
Committee Co-Chair

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Rep. Jack. A. Seitz  
Committee Co-Chair